



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 3757-99

16 November 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed an application with this Board requesting that her entry level separation and reenlistment code be changed.

2. The Board, consisting of Mr. Dunn, Ms. Madison and Ms. Brezna, reviewed Petitioner's allegations of error and injustice on 7 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Petitioner enlisted in the Navy on 3 November 1998 at age 19. On 18 November 1998 she was referred for a mental health evaluation after she became hysterical about jumping off the tower into the pool. The subsequent evaluation states, in part, as follows:

... She appeared extremely nervous and distraught, barely able to speak and crying inconsolably. Diversion to benign topics was successful in calming her, but when the topic of the pool incident was reintroduced, she showed an IMMEDIATE physical reaction that indicated her complaints had been genuine.

Petitioner's diagnosis was a "natural environment type, specific phobia" and she was recommended for separation. On 25 November

1998 the separation authority directed an entry level separation by reason of erroneous enlistment. At that time she was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner states in her application that the recruiter lied when he told her not to worry about passing the swimming test and, based on that lie, she enlisted in the Navy.

e. The Board is aware that regulations allow for the assignment of several different reenlistment codes including an RE-3E and an RE-4 when an individual is separated due to erroneous enlistment. The regulations also allow for the assignment of an RE-3X reenlistment code to nonswimmers when other reasons for separation are used.

f. Applicable directives state that an uncharacterized entry level separation will be issued to an individual separated within 180 days of entry on active duty.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner's conduct and performance while in recruit training was satisfactory and the only problem was her fear of the water. Since Petitioner was separated while still in recruit training, an entry level separation was required and there is no basis to characterize her service as honorable.

Concerning the reenlistment code, the Board notes that regulations do allow for the assignment of an RE-3X reenlistment code to nonswimmers. Since this is the underlying reason for her separation, the Board concludes that an RE-3X reenlistment code is more appropriate and should now be assigned as an exception to policy. This code will alert recruiters that there is a problem which needs to be resolved before an enlistment waiver can be authorized, but it will not preclude waiver consideration, especially in other branches of the service.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the change in the reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 7 December 1998 she was assigned an RE-3X reenlistment code

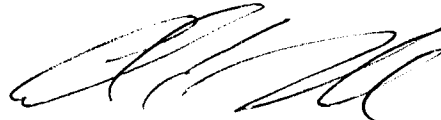
vice the RE-4 reenlistment code now of record.

b. That her request for an honorable discharge be denied.

c. That this Report of Proceedings be filed in Petitioner's naval record.

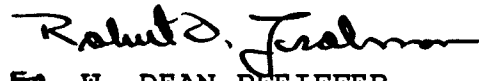
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



for W. DEAN PFEIFFER
Executive Director